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Attorney DN 02P1613

REMARKS

The Examiner is thanked for the careful examination of the application. The Examiner has rejected the claims for double patenting. The Applicant has expressly abandoned the earlier application. This renders moot the double patenting matter.

The Examiner has rejected claim 1 for being vague. Claim 1 has been amended to address this matter. A new limitation is added whereby the needle guide is attached to the bracket by the lock. This now clearly discusses attachment of the needle guide before it discusses detaching the needle guide. The Examiner is requested to remove the rejection to claim 1 based upon these amendments.

The Examiner has rejected claim 17 for being vague because of a lack of consistency between the preamble and the body of the claim. The claim has been amended in all cases to consistently broaden the claim from a needle guide central cannula section to a medical instrument central cannula section. The claim, after amendment, is now consistent, and the Applicant respectfully requests the Examiner to remove the rejection of claim 17 for being vague.

The Examiner has rejected all of the claims either under 35 U.S.C. §102 or 103 based upon either the Miller, Pruter, or McGahan references.

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When evaluating a claim for anticipation or obviousness, each and every limitation of the claim must be fully considered. To fail to consider one limitation is a failure to consider the claim as a whole, as is required by the statute.

Each of the pending claims includes a somewhat similar limitation which is not taught or suggested by any of the cited references. More specifically, the Miller reference does not teach the limitations of claim 1.

Claim 1 includes the limitation of:

“said first side clamp leg protuberance being configured to separate from said first side clamp leg at a level of applied force which is lower than a level of applied force which would cause said needle guide to be detached from said transceiver bracket”.

This notion of having a protuberance which will separate from the leg before it can be detached is completely non-existent in the cited references. The Miller reference teaches away from this limitation because Miller teaches a reusable device.

Claim 20 was rejected as being anticipated by the Pruter reference. The current Applicant is the inventor of the Pruter patent and knows that the Pruter

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reference and the device shown therein do not teach the following claim limitation in claim 20:

“said side clamp leg protuberance having a predetermined strength characteristic which is insufficient to keep said side clamp leg protuberance intact with said side clamp leg when said needle guide is removed from said mounting bracket...”.

Pruter shows a device with a lock lever 22 which is designed to move a protuberance before removal of the needle guide. This notion of moving a protuberance is a clear teaching away from the notion of having the protuberance with a predetermined limited strength characteristic.

As like the claims discussed above, Claims 7, 17 and 19 include limitations such as “single use,” “no longer capable of locking,” and “no longer capable of securing.” These notions are not taught or suggested by the McGahan reference. In fact, there is not a single mention or a mere suggestion in McGahan that one skilled in the art would even be motivated to create a device which is “single use,” “no longer capable of locking,” and “no longer capable of securing.” In fact, upon review of the entire file history to date, there is not even a scintilla of teaching that one should try to make a device which is “single use,” “no longer capable of locking,” and “no longer capable of securing.” In view of these limitations and

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similar ones in all of the claims, it becomes clear that the cited references singly, or even in combination with each other, fail to establish a prima facie case of anticipation or obviousness with respect to claims so limited.

Consequently, the Applicant believes that the application, as amended, is now in condition for allowance, and early notification of the same would be appreciated.

Respectfully submitted,

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